

BEFORE THE TENNESSEE REGULATORY AUTHORITY

NASHVILLE, TENNESSEE

January 12, 2005

IN RE:

**PETITION FOR APPROVAL OF THE STAND-ALONE
INTERCONNECTION AGREEMENT BETWEEN
BELLSOUTH TELECOMMUNICATIONS, INC. AND
ITC^DELTACOM COMMUNICATIONS, INC. D/B/A
GRAPEVINE**

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DOCKET NO. 04-00277

**ORDER APPROVING
STAND-ALONE INTERCONNECTION AGREEMENT**

This matter came before Chairman Pat Miller, Director Deborah Taylor Tate and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on October 11, 2004, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the stand-alone interconnection agreement negotiated between BellSouth Telecommunications, Inc. ("BellSouth") and ITC^DeltaCom Communications, Inc. d/b/a Grapevine¹ ("DeltaCom").²

¹ See *In re Petition of ITC^DeltaCom Communications, Inc to Adopt the d/b/a "Grapevine,"* Docket No 03-00216, *Order Granting Approval of the Petition of ITC^DeltaCom to Adopt the d/b/a "Grapevine"* (April 7, 2003)

² Pursuant to the Telecommunications Act of 1996, BellSouth and DeltaCom entered into negotiations to negotiate an interconnection agreement to replace the existing interconnection agreement, which expired on June 30, 2003. The new interconnection agreement is the subject of an arbitration that is presently before the Authority. See *In Re Petition for Arbitration of ITC^DeltaCom Communications, Inc with BellSouth Telecommunications, Inc*, Docket No 03-00119. BellSouth and DeltaCom will continue operating under the expired interconnection agreement by executing this stand-alone agreement with modifications to certain rates, terms and conditions for melded tandem switching, deposit, voice over internet protocol, jurisdictional reporting and modification of agreement.

Based upon a review of the stand-alone interconnection agreement, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.

2) The agreement is in the public interest as it provides consumers with alternative sources of telecommunications services within the service area of BellSouth Telecommunications, Inc.

3) The agreement is not discriminatory to telecommunications service providers that are not parties thereto.

4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).³ Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the agreement is consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.

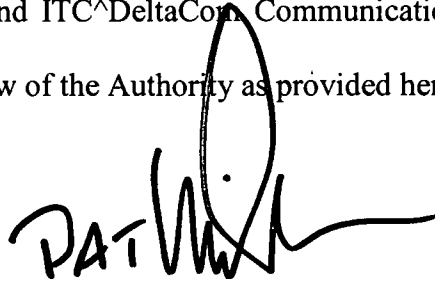
5) No person or entity has sought to intervene in this docket.

6) The agreement is reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

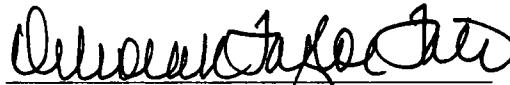
³ See 47 U.S.C. § 252(e)(2)(B).

IT IS THEREFORE ORDERED THAT:

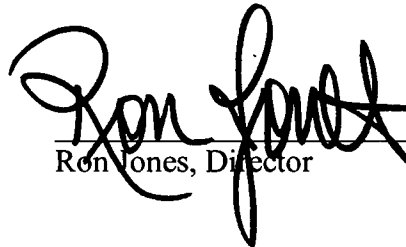
The Petition is granted, and the stand-alone interconnection agreement negotiated between BellSouth Telecommunications, Inc. and ITC^DeltaCom Communications, Inc. d/b/a Grapevine is approved and is subject to the review of the Authority as provided herein.

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Pat Miller, Chairman

A handwritten signature in black ink, appearing to read "Deborah Taylor Tate", written over a horizontal line.

Deborah Taylor Tate, Director

A handwritten signature in black ink, appearing to read "Ron Jones", written over a horizontal line.

Ron Jones, Director